

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRIAN W. THOMAS,

Plaintiff,

v.

MARK E. FETZKO, et al.,

Defendants.

CIVIL ACTION NO. 3:02-CV-1265

(JUDGE CAPUTO)

MEMORANDUM ORDER

This case has been remanded to me to determine whether or not Plaintiff is entitled to proceed *in forma pauperis*. This is occasioned by the record reflecting that no filing fee was paid, yet there was no grant of an allowance to proceed *in forma pauperis*.

Following the decision of the Third Circuit Court of Appeals remanding this case, Plaintiff filed Amended Application & Affidavit in Support of Petition For Leave to Proceed In Forma Pauperis and Motion for Change of Venue To [sic] Bias & Prejudice & Discrimination by the Judges of the Middle District of Pennsylvania Rule to Show Cause Why the Above Should Not Be Granted (Doc. 17), which at the present time, the Court construes only as an application to proceed *in forma pauperis*.

The Court has discretion to grant *in forma pauperis* status. *Goldstein v. Timoney*, No. 01-481, 2001 WL 179868 at *1 (E.D. Pa. Feb. 20, 2001). "Poverty sufficient to qualify for in forma pauperis status does not require penniless destitution." *Id.* (alterations omitted). "[T]here exists no fixed net worth which disqualifies a party as a pauper." *Id.*

Plaintiff submitted an affidavit wherein he states that he is unable to pay the filing

fee. Plaintiff, however, has not submitted enough detail which would permit the Court to rule on the instant application. Accordingly, the Court will give Plaintiff twenty days to file supplemental information.

NOW, this 29th day of July, 2005, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff has twenty (20) days to file supplemental financial information in support of his application to proceed *in forma pauperis*.
- (2) The Clerk of the Court shall send Plaintiff a copy of the form "Affidavit/Declaration in Support of Request to Proceed In Forma Pauperis."

/s/ A. Richard Caputo
A. Richard Caputo
United States District